

### REMARKS

Claims 1, 3-18, 20-25, and 27-33 are pending, of which claims 1 and 11 are independent method claims with respective independent computer program product claims 25 and 31, and claim 14 and 18 are also independent method claims. As indicated above, claims 1, 3, 4, 14, 18, 20, and 25 have been amended and claims 2, 19, and 26 have been canceled without prejudice. Applicants note for the record that the subject matter of claims 2, 19, and 26 is covered by other pending claims, and therefore canceling these claims does not evince an intent to surrender any subject matter.

The Office Action rejected independent claims 1, 14, 18, and 25 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No 5,918,013 to Mighdoll et al. ("*Mighdoll*"). Independent claims 11 and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Mighdoll* in view of RFC 2616 by Fielding et al. ("*Fielding*"). The remaining dependent claims were rejected under 35 U.S.C. § 102(b) as anticipated by *Mighdoll* or under 35 U.S.C. § 103(a) as being unpatentable over *Mighdoll* in view of *Fielding* and/or further in view of U.S. Patent No. 6,311,216 to Smith et al. ("Smith").<sup>1</sup>

Applicants' invention, as claimed for example in independent method claim 1, relates to transparently redirecting a request for content such that a client system is unaware of the redirection. A front-end server receives a request for the content from the client system, adds a front-end indicator to the request in order to indicate that the front-end server is making the request on behalf of the client system, and directs the request to a particular back-end server. The front-end server receives from the particular back-end server, a redirect response identifying one or more other back-end servers where the content is stored, automatically and without client system intervention redirects the request to a redirect back-end server, receives the requested content from the redirect back-end server, and sends the requested content to the client system.

The Office Action acknowledges that *Mighdoll* does not teach adding a front-end indicator to a Hypertext Transfer Protocol ("HTTP") User Agent header of a request to indicate that a front-end server is making the request on behalf of a client system. Office Action, p. 5 (rejection of claims 2-3). The Office Action asserts, however, that *Fielding* teaches HTTP

---

<sup>1</sup>Although the prior art status of all cited art is not being challenged at this time, Applicants reserve the right to do so in the future. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status or asserted teachings of the cited art.

request-header fields that allow the client to pass additional information about the request, and about the client itself, to the server (such as From, Host, Max-Forwards, Proxy-Authorization, Range, Referrer, User-Agent, etc.) *Id.* Based on the asserted teachings of *Mighdoll* and *Fielding*, the Office Action concludes that it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine *Mighdoll* and *Fielding* and add a front-end indicator to a HTTP User Agent header "to indicate that the front-end server is making the request on behalf of the client system since such methods were conventionally employed in the art to allow the client to pass additional information about the request and the client itself to the server by using the request-header fields." *Id.* Applicants respectfully disagree.

"To establish a *prima facie* case of obviousness . . . the prior art reference (or references when combined) must teach or suggest all the claim limitations." MPEP § 706.02(j). As indicated above, the Office Action asserts that *Fielding's* request-header fields (e.g., "Proxy-Authorization" and "User-Agent") correspond to Applicants' indicator that the front-end is making a request on behalf of a client system. However, *Fielding* teaches that "[t]he request-header fields allow the client to pass additional information about the request, and about the client itself, to the server." Section 5.3, p. 37 (emphasis added). More specifically, "[t]he User-Agent request-header field contains information about the user agent originating the request." Section 14.43, p. 144. *Fielding* describes a user agent as: "The client which initiates a request. These are often browsers, editors, spiders (web-traversing robots), or other end user tools." Section 1.2, p. 8. Similarly, "[t]he Proxy-Authorization request-header field allows the client to identify itself (or its user) to a proxy which requires authentication." Section 13.34, p. 136 (emphasis added).

Although *Fielding* contains numerous references to proxy servers, the Office Action fails to cite any passages teaching, suggesting, or motivating a proxy server adding a front-end indicator to a request, which as Applicants disclose can be used in extending the communication protocol between a front-end server and a back-end server. *See, e.g.*, Specification, p. 5, l. 19 – p. 6, l. 6. The only apparent teaching, suggestion, or motivation for adding a front-end indicator comes from the disclosure of Applicants' invention—not from the cited art—and therefore cannot be used to establish a *prima facie* case of obviousness. *See* MPEP § 2143 ("The teaching or suggestion to make the claimed combination . . . must . . . be found in the prior art, not in applicant's disclosure.") Accordingly, Applicants respectfully submit that the Office Action fails

to establish a *prima facie* case of obviousness with respect to the pending independent claims as amended because, among other things, the cited portions of *Fielding* fail to teach, suggest, or motivate a front-end server adding a front-end indicator to the request in order to indicate that the front-end server is making the request on behalf of the client system. The cited portions of *Fielding* also fail to teach, suggest, or motivate a back-end server examining a content request for a front-end indicator. Whether or not, given Applicants disclosure, *Fielding's* HTTP request header is the logical place to add a front-end indicator is irrelevant where the cited portions of *Fielding* fail, in the first place, to teach, suggest, or motivate a front-end server adding a front-end indicator to a request or a back-end server examining a content request for a front-end indicator.

Applicants also respectfully submit that the combination of *Mighdoll* and *Fielding* is improper. "It is improper to combine references where the references teach away from their combination." MPEP § 2145(X)(2). The Office Action asserts that *Mighdoll* teaches a proxy redirecting a content request to a redirect back-end server without client intervention. Office Action, p. 3 (rejection of claim 1). In contrast, *Fielding* specifies that redirection status codes indicate further action to be taken by the user agent in order to fulfill the request. Section 10.3, p. 60. Because *Mighdoll* teaches the proxy server redirecting content request to the redirect back-end server and *Fielding* teaches the user agent or client redirecting the content request, *Fielding* teaches away from *Mighdoll*, making it improper to combine the references. Furthermore, changing *Mighdoll* to operate as described in *Fielding* would render *Mighdoll* unsatisfactory for its intended purpose because redirects would be handled by clients rather than *Mighdoll's* proxy server. "If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." MPEP § 2143.01.

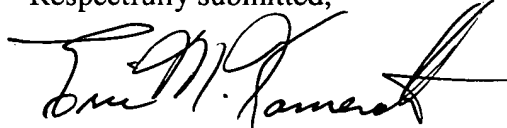
Based on at least the foregoing reasons, therefore, Applicants respectfully submit that the cited prior art fails to anticipate or make obvious Applicants invention, as claimed for example, in independent claims 1, 11, 14, 18, 25 and 31. Applicants note for the record that the remarks above render the remaining rejections of record for the independent and dependent claims moot, and thus addressing individual rejections or assertion with respect to the teachings of the cited art is unnecessary at the present time, but may be undertaken in the future if necessary or desirable, and Applicants reserve the right to do so.

Applicants also note for the record that Application No. 09/679,716 (this application), and U.S. Patent No. 6,311,216 to Smith et al. were, at the time the invention of Application No. 09/679,716 owned by or subject to an obligation of assignment to Microsoft Corporation. Therefore, in accordance with 35 U.S.C. § 103(c), *Smith* is disqualified as 35 U.S.C. § 102(e) prior art. (Applicants' filed on October 4, 2000, which is on or after November 29, 1999, and *Smith* issued October 30, 2001.) See MPEP § 702.02(l). Accordingly, the rejections of record under 35 U.S.C. § 103(a) for claims 7, 22, and 29 should be withdrawn regardless of any position taken by the Examiner with respect to the foregoing remarks.

In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 15<sup>th</sup> day of April, 2004.

Respectfully submitted,



RICK D. NYDEGGER  
Registration No. 28,651  
ERIC M. KAMERATH  
Registration No. 46,081  
Attorneys for Applicant  
Customer No. 022913